

**Introduced by Senator Vidak**  
(Principal coauthor: Assembly Member Wagner)

February 18, 2015

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An act to amend and repeal Section 798.88 of the Civil Code, and to amend and repeal Section 85 of the Code of Civil Procedure, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 244, as introduced, Vidak. Mobilehomes: injunctions.

The Mobilehome Residency Law authorizes the management of a mobilehome park to, until January 1, 2016, file a petition for an order to enjoin a continuing or recurring violation of a reasonable rule or regulation of the mobilehome park within the limited jurisdiction of the superior court of the county in which the mobilehome community is located. Existing law, until January 1, 2016, treats these actions for injunctive relief as a limited civil case.

This bill would extend the operation of these provisions indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 798.88 of the Civil Code, as amended
- 2     by Section 1 of Chapter 99 of the Statutes of 2012, is amended to
- 3     read:
- 4     798.88. (a) In addition to any right under Article 6
- 5     (commencing with Section 798.55) to terminate the tenancy of a
- 6     homeowner, any person in violation of a reasonable rule or

1 regulation of a mobilehome park may be enjoined from the  
2 violation as provided in this section.

3 (b) A petition for an order enjoining a continuing or recurring  
4 violation of any reasonable rule or regulation of a mobilehome  
5 park may be filed by the management thereof within the limited  
6 jurisdiction of the superior court of the county in which the  
7 mobilehome park is located. At the time of filing the petition, the  
8 petitioner may obtain a temporary restraining order in accordance  
9 with subdivision (a) of Section 527 of the Code of Civil Procedure.

10 A temporary order restraining the violation may be granted, with  
11 notice, upon the petitioner's affidavit showing to the satisfaction  
12 of the court reasonable proof of a continuing or recurring violation  
13 of a rule or regulation of the mobilehome park by the named  
14 homeowner or resident and that great or irreparable harm would  
15 result to the management or other homeowners or residents of the  
16 park from continuance or recurrence of the violation.

17 (c) A temporary restraining order granted pursuant to this  
18 subdivision shall be personally served upon the respondent  
19 homeowner or resident with the petition for injunction and notice  
20 of hearing thereon. The restraining order shall remain in effect for  
21 a period not to exceed 15 days, except as modified or sooner  
22 terminated by the court.

23 (d) Within 15 days of filing the petition for an injunction, a  
24 hearing shall be held thereon. If the court, by clear and convincing  
25 evidence, finds the existence of a continuing or recurring violation  
26 of a reasonable rule or regulation of the mobilehome park, the  
27 court shall issue an injunction prohibiting the violation. The  
28 duration of the injunction shall not exceed three years.

29 (e) However, not more than three months prior to the expiration  
30 of an injunction issued pursuant to this section, the management  
31 of the mobilehome park may petition under this section for a new  
32 injunction where there has been recurring or continuous violation  
33 of the injunction or there is a threat of future violation of the  
34 mobilehome park's rules upon termination of the injunction.

35 (f) Nothing shall preclude a party to an action under this section  
36 from appearing through legal counsel or in propria persona.

37 (g) The remedy provided by this section is nonexclusive and  
38 nothing in this section shall be construed to preclude or limit any  
39 rights the management of a mobilehome park may have to  
40 terminate a tenancy.

1     ~~(h) This section shall remain in effect only until January 1, 2016,~~  
2     ~~and as of that date is repealed, unless a later enacted statute, that~~  
3     ~~is enacted before January 1, 2016, deletes or extends that date.~~

4     SEC. 2. Section 798.88 of the Civil Code, as added by Section  
5     2 of Chapter 99 of the Statutes of 2012, is repealed.

6     ~~798.88.—(a) In addition to any right under Article 6~~  
7     ~~(commencing with Section 798.55) to terminate the tenancy of a~~  
8     ~~homeowner, any person in violation of a reasonable rule or~~  
9     ~~regulation of a mobilehome park may be enjoined from the~~  
10    ~~violation as provided in this section.~~

11    ~~(b) A petition for an order enjoining a continuing or recurring~~  
12    ~~violation of any reasonable rule or regulation of a mobilehome~~  
13    ~~park may be filed by the management thereof with the superior~~  
14    ~~court for the county in which the mobilehome park is located. At~~  
15    ~~the time of filing the petition, the petitioner may obtain a temporary~~  
16    ~~restraining order in accordance with subdivision (a) of Section 527~~  
17    ~~of the Code of Civil Procedure. A temporary order restraining the~~  
18    ~~violation may be granted, with notice, upon the petitioner's~~  
19    ~~affidavit showing to the satisfaction of the court reasonable proof~~  
20    ~~of a continuing or recurring violation of a rule or regulation of the~~  
21    ~~mobilehome park by the named homeowner or resident and that~~  
22    ~~great or irreparable harm would result to the management or other~~  
23    ~~homeowners or residents of the park from continuance or~~  
24    ~~recurrence of the violation.~~

25    ~~(c) A temporary restraining order granted pursuant to this~~  
26    ~~subdivision shall be personally served upon the respondent~~  
27    ~~homeowner or resident with the petition for injunction and notice~~  
28    ~~of hearing thereon. The restraining order shall remain in effect for~~  
29    ~~a period not to exceed 15 days, except as modified or sooner~~  
30    ~~terminated by the court.~~

31    ~~(d) Within 15 days of filing the petition for an injunction, a~~  
32    ~~hearing shall be held thereon. If the court, by clear and convincing~~  
33    ~~evidence, finds the existence of a continuing or recurring violation~~  
34    ~~of a reasonable rule or regulation of the mobilehome park, the~~  
35    ~~court shall issue an injunction prohibiting the violation. The~~  
36    ~~duration of the injunction shall not exceed three years.~~

37    ~~(e) However, not more than three months prior to the expiration~~  
38    ~~of an injunction issued pursuant to this section, the management~~  
39    ~~of the mobilehome park may petition under this section for a new~~  
40    ~~injunction where there has been recurring or continuous violation~~

1 of the injunction or there is a threat of future violation of the  
2 mobilehome park's rules upon termination of the injunction.

3 (f) Nothing shall preclude a party to an action under this section  
4 from appearing through legal counsel or in propria persona.

5 (g) The remedy provided by this section is nonexclusive and  
6 nothing in this section shall be construed to preclude or limit any  
7 rights the management of a mobilehome park may have to  
8 terminate a tenancy.

9 (h) This section shall become operative on January 1, 2016.

10 SEC. 3. Section 85 of the Code of Civil Procedure, as amended  
11 by Section 3 of Chapter 99 of the Statutes of 2012, is amended to  
12 read:

13 85. An action or special proceeding shall be treated as a limited  
14 civil case if all of the following conditions are satisfied, and,  
15 notwithstanding any statute that classifies an action or special  
16 proceeding as a limited civil case, an action or special proceeding  
17 shall not be treated as a limited civil case unless all of the following  
18 conditions are satisfied:

19 (a) The amount in controversy does not exceed twenty-five  
20 thousand dollars (\$25,000). As used in this section, "amount in  
21 controversy" means the amount of the demand, or the recovery  
22 sought, or the value of the property, or the amount of the lien, that  
23 is in controversy in the action, exclusive of attorneys' fees, interest,  
24 and costs.

25 (b) The relief sought is a type that may be granted in a limited  
26 civil case.

27 (c) The relief sought, whether in the complaint, a  
28 cross-complaint, or otherwise, is exclusively of a type described  
29 in one or more statutes that classify an action or special proceeding  
30 as a limited civil case or that provide that an action or special  
31 proceeding is within the original jurisdiction of the municipal  
32 court, including, but not limited to, the following provisions:

33 (1) Section 798.61 or 798.88 of the Civil Code.

34 (2) Section 1719 of the Civil Code.

35 (3) Section 3342.5 of the Civil Code.

36 (4) Section 86.

37 (5) Section 86.1.

38 (6) Section 1710.20.

39 (7) Section 7581 of the Food and Agricultural Code.

40 (8) Section 12647 of the Food and Agricultural Code.

(9) Section 27601 of the Food and Agricultural Code.

(10) Section 31503 of the Food and Agricultural Code.

(11) Section 31621 of the Food and Agricultural Code.

(12) Section 52514 of the Food and Agricultural Code.

(13) Section 53564 of the Food and Agricultural Code.

(14) Section 53069.4 of the Government Code.

(15) Section 53075.6 of the Government Code.

(16) Section 53075.61 of the Government Code.

(17) Section 5411.5 of the Public Utilities Code.

(18) Section 9872.1 of the Vehicle Code.

(19) Section 10751 of the Vehicle Code.

(20) Section 14607.6 of the Vehicle Code.

(21) Section 40230 of the Vehicle Code.

(22) Section 40256 of the Vehicle Code.

~~(d) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.~~

SEC. 4. Section 85 of the Code of Civil Procedure, as added by Section 4 of Chapter 99 of the Statutes of 2012, is repealed.

~~85. An action or special proceeding shall be treated as a limited civil case if all of the following conditions are satisfied, and, notwithstanding any statute that classifies an action or special proceeding as a limited civil case, an action or special proceeding shall not be treated as a limited civil case unless all of the following conditions are satisfied:~~

~~(a) The amount in controversy does not exceed twenty-five thousand dollars (\$25,000). As used in this section, "amount in controversy" means the amount of the demand, or the recovery sought, or the value of the property, or the amount of the lien, that is in controversy in the action, exclusive of attorneys' fees, interest, and costs.~~

~~(b) The relief sought is a type that may be granted in a limited civil case.~~

~~(c) The relief sought, whether in the complaint, a cross-complaint, or otherwise, is exclusively of a type described in one or more statutes that classify an action or special proceeding as a limited civil case or that provide that an action or special proceeding is within the original jurisdiction of the municipal court, including, but not limited to, the following provisions:~~

~~(1) Section 798.61 of the Civil Code.~~

- 1   ~~(2) Section 1719 of the Civil Code.~~
- 2   ~~(3) Section 3342.5 of the Civil Code.~~
- 3   ~~(4) Section 86.~~
- 4   ~~(5) Section 86.1.~~
- 5   ~~(6) Section 1710.20.~~
- 6   ~~(7) Section 7581 of the Food and Agricultural Code.~~
- 7   ~~(8) Section 12647 of the Food and Agricultural Code.~~
- 8   ~~(9) Section 27601 of the Food and Agricultural Code.~~
- 9   ~~(10) Section 31503 of the Food and Agricultural Code.~~
- 10   ~~(11) Section 31621 of the Food and Agricultural Code.~~
- 11   ~~(12) Section 52514 of the Food and Agricultural Code.~~
- 12   ~~(13) Section 53564 of the Food and Agricultural Code.~~
- 13   ~~(14) Section 53069.4 of the Government Code.~~
- 14   ~~(15) Section 53075.6 of the Government Code.~~
- 15   ~~(16) Section 53075.61 of the Government Code.~~
- 16   ~~(17) Section 5411.5 of the Public Utilities Code.~~
- 17   ~~(18) Section 9872.1 of the Vehicle Code.~~
- 18   ~~(19) Section 10751 of the Vehicle Code.~~
- 19   ~~(20) Section 14607.6 of the Vehicle Code.~~
- 20   ~~(21) Section 40230 of the Vehicle Code.~~
- 21   ~~(22) Section 40256 of the Vehicle Code.~~
- 22   ~~(d) This section shall become operative on January 1, 2016.~~